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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,346	12/01/2000	Richard G. Sheehan	9518-001-99 1857	
. 75	90 12/16/2004		EXAM	INER
Supervisor, Patent Prosecution Services PIPER MARBURY RUDNICK & WOLFE LLP 1200 Nineteenth Street, N.W. Washington, DC 20036-2412			KARMIS, STEFANOS	
			ART UNIT	PAPER NUMBER
			3624	
			DATE MAILED: 12/16/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provision of 3° CFR 1.136(s). In no event, however, may a raply be timely filed 1 the period for reply specified above is less than thirty (20) days, a reply within the statkdory minimum of bility (20) days will be considered timely. 1 the period for reply specified above is less than thirty (20) days, a reply within the statkdory minimum of bility (20) MoNTHS from the mailing date of this communication. Fallura to raply within the set or extended period for reply will, by talking period will apply and will expire 3° (50 (MoNTHS from the mailing date of this communication. Fallura to raply within the set or extended period for reply will, by talking the tree mailing date of this communication. Fallura to reply within the set or extended period for reply will, by talking the tree mailing date of this communication. Fallura to reply within the set or extended period for reply will, by talking the tree mailing date of this communication. Fallura to reply within the set or extended period for reply will, by talking the tree mailing date of this communication. Fallura to reply within the set or extended period for reply will, by talking the tree mailing date of this communication. Fallura to reply within the set or extended period for reply will, by talking the tree mailing date of this communication. Fallura to reply within the set or extended period for reply will, by talking the tree mailing date of this communication. Fallura to reply within the set or extended period for reply will, by talking the set or extension the set of the communication. Fallura to reply within the set or extended period for reply will, by talking the set of the period for all period for reply and the set of the period for the period the communication. Fallura to reply within the set or extended period for reply and the set of the priod ty documents have been received.		·	o 1					
## Examiner Art Unit 3824 ## The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Repty A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. ## Examiner of time may be enabled under the provisions of 37 CFR 1.135(b), in or event, however, may a reply be timely filed of the St. (b) Month 16 the state of the state of the provision and 37 CFR 1.135(b), in or event, however, may a reply be timely filed of the St. (b) Month 16 the reply is pecified above, the mandemy statutory period will apply and will equip St. (b) Month 16 from the mailing date of this communication of the state of the state of the state of the provision of the state of t		Application No.	Applicant(s)					
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Art Unit: 3624

DETAILED ACTION

1. The following application has been reviewed. Original claims 1-38 are pending.

Claim Objections

2. Claims 10, 11, 19 and 38 objected to because of the following informalities: The term "about" renders the claims to be indefinite. Appropriate correction is required.

Claim Rejections - 35 USC § 103

- 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
- 5. The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

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- 1. Determining the scope and contents of the prior art.
- 2. Ascertaining the differences between the prior art and the claims at issue.
- 3. Resolving the level of ordinary skill in the pertinent art.
- 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
- 6. Claims 1-10 and 12-18 rejected under 35 U.S.C. 103(a) as being unpatentable over Luskin et al. (hereinafter Luskin) 6,336,102 in view of Atkins, U.S. Patent 5,875,437.

Regarding clam 1, Luskin teaches a method for determining useful life of a financial asset comprising a factor of rates that are keyed to the time horizon of a fund (column 2, lines 24-47). Luskin further teaches market data including interest rates in combination with cash flow to determine present value (column 6, line 45-53). Luskin fails to teach combining two rates for a financial calculation. Atkins teaches combining fixed and floating rates to aid in determining a balance of a loan over different time horizons (column 37, lines 47-67). Atkins further teaches considerations such as net income and dividends when calculating information which are used in retention rate determination (column 14, lines 45-65 and column 27, line 53 thru column 28, line 67). It would have been obvious to one of ordinary skill in the art that the teachings of Luskin could have been modified to include the teachings of Atkins because provides information needed used to determine various rates which can be used in time horizon determinations and it provides an efficient data for determining a factor of a financial instrument such as useful life as well as provide information needed used to determine various rates which can be used in time horizon determinations.

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Claim 2, selecting one of a plurality of variables affecting at least one of the retention rates (column 6, line 45-53).

Claim 3, Luskin fails to teach determining sensitivity. Official Notice is taken that determining sensitivity is old and well known in the financial arts. Therefore it would have been obvious to one of ordinary skill in the art to determine sensitivity because it provides various possible outcomes and thus provides more reliable information.

Claim 4, Luskin teaches the ability to forecast scenarios using market data (column 6, lines 54-65).

Claims 5-9, the financial assets comprise deposits, financial instruments or a combination thereof (column 2, lines 38-63).

Claim 10, Luskin fails to specify the length of the time frame. Official Notice is taken that time frames for financial data are old and well known in the art. It would have been obvious of one of ordinary skill in the art to provide a time line of 4 years because it provides an efficient time frame to recover and process information to determine trends with financial data.

Claims 12-14, Luskin fails to teach checking for outliers and exogenous variables.

Official Notice is taken that validating calculations is old and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art to modify the teachings of Luskin to

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include determining outliers and exogenous variables because it provides an efficient manner to assist in validating financial calculations.

Claim 15, Luskin teaches to include interest rate calculations as one of the calculations (column 6, lines 46-53).

Claims 16 and 17, the forecasting scenarios includes providing future values for use in calculations (column 4, lines 26-35 and column 6, lines 46-65).

Claim 18, outputting the predicted useful life of the combined assets (column 7, lines 17-25).

Allowable Subject Matter

Claims 11 and 19-38 are allowed.

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Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (703) 305-8130. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully Submitted Stefano Karmis 13 December 2004

> HANI M. KAZIMI PRIMARY EXAMINER